

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SERGIO ROMERO,

Plaintiff,

v.

TRIBUNE MEDIA COMPANY,

Defendant.

No. 2:24-cv-03143 AC

STATUS (PRETRIAL SCHEDULING)
ORDER

This case is before the undersigned pursuant to the parties' consent. ECF No. 14. Having considered the parties' joint status report (ECF No. 28), the court enters the following scheduling order:

SERVICE OF PROCESS

Service of process is undisputed, and defendant has answered. ECF No. 26.

JOINDER OF PARTIES/AMENDMENTS

No joinder of parties or amendments are permitted absent leave of court.

JURISDICTION/VENUE

Jurisdiction is predicated upon 28 U.S.C. § 1332(a)(1) and is undisputed. Venue is undisputed and found to be proper.

DISCOVERY

Initial disclosures were exchanged on April 15, 2025. All discovery shall be completed

1 by January 30, 2026. The word “completed” means that all discovery shall have been conducted
2 so that all depositions have been taken and any disputes relative to discovery shall have been
3 resolved by appropriate order if necessary and, where discovery has been ordered, the order has
4 been complied with. Motions to compel discovery must be noticed on the undersigned’s calendar
5 in accordance with the Local Rules and must be heard not later than January 14, 2026.

6 The parties are reminded to review the “Standing Orders” posted on Judge Claire’s
7 webpage ([http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-
8 magistrate-judge-allison-claire-ac/](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-allison-claire-ac/)). The undersigned encourages early resolution of discovery
9 disputes outside the formal Local Rule 251 procedures, when appropriate. Upon order of the
10 court, or by agreement of the parties, Judge Claire will resolve minor or discrete discovery
11 disputes by conducting an informal telephonic conference. Additional information is available on
12 the court’s website linked above.

13 **EXPERT DISCLOSURE**

14 The parties are to designate in writing, and serve upon all other parties, the names of all
15 experts they propose to tender at trial by December 5, 2025.

16 An expert witness not appearing on said lists will not be permitted to testify unless the
17 party offering the witness demonstrates: (a) that the necessity of the witness could not have been
18 reasonably anticipated at the time the lists were exchanged; (b) the court and opposing counsel
19 were promptly notified upon discovery of the witness; and (c) that the witness was promptly
20 proffered for deposition. Failure to provide the information required along with the expert
21 designation may lead to preclusion of the expert’s testimony or other appropriate sanctions.

22 For the purposes of this scheduling order, experts are defined as “percipient” and
23 “Rule 26” experts. Both types of experts shall be listed. Percipient experts are persons who,
24 because of their expertise, have rendered expert opinions in the normal course of their work
25 duties or observations pertinent to the issues in the case. Another term for their opinions are
26 “historical opinions.” Percipient experts are experts who, unless also designated as Rule 26
27 experts, are limited to testifying to their historical opinions and the reasons for them. That is,
28 they may be asked to testify about their opinions given in the past and the whys and wherefores

1 concerning the development of those opinions. However, they may not be asked to render a
2 current opinion for the purposes of the litigation.

3 Rule 26 experts, who may be percipient experts as well, shall be specifically designated
4 by a party to be a testifying expert for the purposes of the litigation. The Rule 26 expert may
5 express opinions formed for the purposes of the litigation. A party designating a Rule 26 expert
6 will be assumed to have acquired the express permission of the witness to be so listed.

7 The parties shall comply with the information disclosure provisions of Federal Rule of
8 Civil Procedure 26(a)(2) for any expert, who is in whole or in part designated as a Rule 26 expert.
9 This information is due at the time of designation. Failure to supply the required information may
10 result in the Rule 26 expert being stricken. All Rule 26 experts are to be fully prepared to render
11 an informed opinion at the time of designation so that they may fully participate in any deposition
12 taken by the opposing party. Rule 26 experts will not be permitted to testify at trial as to any
13 information gathered or evaluated, or opinion formed, which should have been reasonably
14 available at the time of designation. The court will closely scrutinize for discovery abuse
15 deposition opinions which differ markedly in nature and/or in bases from those expressed in the
16 mandatory information disclosure.

17 **JOINT MID-LITIGATION STATEMENTS**

18 Not later than fourteen (14) days prior to the close of discovery, the parties shall file with
19 the court a brief joint statement summarizing all law and motion practice heard by the court as of
20 the date of the filing of the statement, whether the court has disposed of the motion at the time the
21 statement is filed and served, and the likelihood that any further motions will be noticed prior to
22 the close of law and motion. The filing of this statement shall not relieve the parties or counsel of
23 their obligation to timely notice all appropriate motions as set forth herein.

24 **MOTION HEARING SCHEDULES**

25 Defendant anticipates filing a motion for summary judgment.

26 All law and motion, except as to discovery, shall be completed by March 20, 2026. The
27 word “completed” in this context means that all law and motion matters must be heard by the
28 above date. Counsel and pro se parties (collectively, “counsel”), are cautioned to refer to the

1 Local Rules regarding the requirements for noticing such motions on the court's regularly
2 scheduled law and motion calendar. Available hearing dates may be obtained by calling Jonathan
3 Anderson, the Courtroom Deputy, at (916) 930-4199.

4 Local Rule 230 governs the calendaring and procedures of civil motions with the
5 following additions:

6 (a) The opposition and reply must be filed by 4:30 p.m. on the day due; and

7 (b) When the last day for filing an opposition or reply brief falls on a legal holiday, the
8 opposition or reply brief shall be filed on the last court day immediately preceding the legal
9 holiday. Failure to comply with Local Rule 230(c), as modified by this order, may be deemed
10 consent to the motion and the court may dispose of the motion summarily. Brydges v. Lewis, 18
11 F.3d 651, 652-53 (9th Cir. 1994) (per curiam).

12 All purely legal issues are to be resolved by timely pretrial motion. The parties should
13 keep in mind that the purpose of law and motion is to narrow and refine the legal issues raised by
14 the case, and to dispose of by pretrial motion those issues that are susceptible to resolution
15 without trial. To accomplish that purpose, the parties need to identify and fully research the
16 issues presented by the case, and then examine those issues in light of the evidence gleaned
17 through discovery. If it appears to counsel after examining the legal issues and facts that an issue
18 can be resolved by pretrial motion, counsel are to file the appropriate motion by the law and
19 motion cutoff set forth above. The parties are cautioned that failure to raise a dispositive legal
20 issue that could have been tendered to the court by proper pretrial motion prior to the dispositive
21 motion cut-off date may constitute waiver of such issue.

22 Counsel are reminded that motions in limine are procedural devices designed to address
23 the admissibility of evidence. Counsel are cautioned that the court will look with disfavor upon
24 substantive motions presented in the guise of motions in limine at the time of trial.

25 **FINAL PRETRIAL CONFERENCE**

26 The final pretrial conference is set before the undersigned on May 6, 2026 at 10 a.m., in
27 Courtroom No. 26. In each instance an attorney who will try the case for a given party shall
28 attend the final pretrial conference on behalf of that party; provided, however, that if by reason of

1 illness or other unavoidable circumstance the trial attorney is unable to attend, the attorney who
2 attends in place of the trial attorney shall have equal familiarity with the case and equal
3 authorization to make commitments on behalf of the client. All pro se parties must attend the pre-
4 trial conference.

5 Counsel for all parties and all pro se parties are to be fully prepared for trial at the time of
6 the Final Pretrial Conference, with no matters remaining to be accomplished except production of
7 witnesses for oral testimony. The parties shall file a joint pretrial conference statement not later
8 than April 29, 2026, at 4:30 p.m.

9 **At the time of filing the Joint Pretrial Statement, counsel are requested to e-mail the**
10 **Joint Pretrial Statement and any attachments in Word format to Judge Claire's**
11 **assistant, Donna Dal Porto at: DDalPorto@caed.uscourts.gov.**

12 Where the parties are unable to agree as to what legal or factual issues are properly before
13 the court for trial, they should nevertheless list all issues asserted by any of the parties and
14 indicate by appropriate footnotes the disputes concerning such issues. The provisions of Local
15 Rule 281 shall, however, apply with respect to the matters to be included in the joint pre-trial
16 statement. Failure to comply with Local Rule 281, as modified herein, may be grounds for
17 sanctions.

18 The parties are reminded that pursuant to Local Rule 281(b)(10) and (11) they are
19 required to list in the final pre-trial statement all witnesses and exhibits they propose to offer at
20 trial, no matter for what purpose. These lists shall not be contained in the body of the final pre-
21 trial statement itself, but shall be attached as separate documents so that the court may attach
22 them as an addendum to the final pre-trial order. The final pre-trial order will contain a stringent
23 standard for the offering at trial of witnesses and exhibits not listed in the final pre-trial order, and
24 the parties are cautioned that the standard will be strictly applied. On the other hand, the listing
25 of exhibits or witnesses that a party does not intend to offer will be viewed as an abuse of the
26 court's processes.

27 The parties are also reminded that pursuant to Rule 16, Fed. R. Civ. P., it will be their duty
28 at the final pre-trial conference to aid the court in: (a) formulation and simplification of issues and

1 the elimination of frivolous claims or defenses; (b) settling of facts which should properly be
2 admitted; and (c) the avoidance of unnecessary proof and cumulative evidence. Counsel must
3 cooperatively prepare the joint pre-trial statement and participate in good faith at the final pre-
4 trial conference with these aims in mind. A failure to do so may result in the imposition of
5 sanctions which may include monetary sanctions, orders precluding proof, elimination of claims
6 or defenses, or such other sanctions as the court deems appropriate.

7 **TRIAL SETTING**

8 A jury trial is set to commence before the undersigned on June 1, 2026, at 9:00 a.m., in
9 Courtroom No. 26.

10 **SUMMARY OF ORDER**

11 THE COURT SUMMARIZES THE SCHEDULING ORDER AS FOLLOWS:

12 1. All discovery shall be completed by January 30, 2026. Motions to compel must be
13 heard not later than January 14, 2026.

14 2. Expert disclosures shall be made on or before December 5, 2025.

15 3. All law and motion, except as to discovery, shall be completed as described herein
16 on or before March 20, 2026.


17 4. The final pretrial conference is set before the undersigned on May 6, 2026 at 10
18 a.m., in Courtroom No. 26, 8th Floor. Pretrial statements shall be filed in accordance with Local
19 Rules 281 and 282, and the requirements set forth herein.

20 5. A jury trial is set to commence before the undersigned on June 1, 2026, at 9:00
21 a.m., in Courtroom No. 26, 8th Floor.

22 6. Failure to comply with the terms of this order may result in the imposition of
23 monetary and all other sanctions within the power of the court, including dismissal or an order of
24 judgment.

25 IT IS SO ORDERED.

26 DATED: May 12, 2025

27 
28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE